REMARKS

35 USC §103 Rejections

Each pending independent claim (1, 13, 17-19) has been rejected under 35 USC § 103

using a combination of Li (US Publication 2004/0119726) and Jia (US Publication

2003/0021468). Li and Jia are also used to reject pending dependent claims 2-12, 14-16,

20-21, and 23-34. Oberg (US Patent 5,870,771) is used in combination with both Li and

Jia to reject pending dependent claims 22 and 35-36. The independent claims (1, 13, 17-

19) will be discussed first.

In rejecting the previously pending claims, embodiment limitations for a mobile

communications device were not considered because reference to the wireless devices

were in the preamble of the claims (see OA, page 23). Each independent claim has been

amended so that, in the body of the each claim, the claimed embodiment is specifically

limited to, and functionally tied to, a wireless communications device. Each independent

claim includes, in the body of the claim, the following limitations (worded differently in

each claim due to other elements and differing structure in each claim, but having these

elements with the same functional relationship to each other):

> a wireless communications device comprising
>> an image processor
>> memory readable by the image processor
>> a frame description in the memory, where the frame description is usable by the
> image processor to generate at least a portion of a fame, where a frame description
> comprises a frame rule and at least one frame asset

Thus each independent claim, 1, 13, 17, 18 and 19, has been amended to be specifically structured for a wireless communications device.

Applicant, respectfully, still disagrees that Jia discloses a frame with a scalable dimension independent of the image which is to be framed, as stated in the OA (page 24, first full paragraph). See generally figure 5, which, as Applicant understands Jai, shows that Jai discloses a frame is always generated in the context of the image characteristics, which includes size and resolution (see generally the text in figure 2). However, to further prosecution of the present application Applicant has amended each pending independent claim with additional elements not disclosed by Jai or Li as described below.

Each independent claim has been amended to make it clear that the presently claimed invention is for the use of a frame description, the frame description including a frame rule and at least one frame asset, where the frame rule and a frame asset are used to generate a part of a frame. To make this last limitation clear, each independent claim has been further amended to require the generation of at least two parts of a frame which are used to make a complete frame, like building blocks, which is not disclosed in the cited art. Further, each of the frame parts (may be a frame portion or a frame block) uses a scalable dimension independent of an image being framed. Note that each frame part, where a plurality of frame parts are generated to make up a frame, has the property of using a scalable dimension independent from the underlying image.

Thus, each independent claim has been amended to make explicit the properties that a portion of a frame, or a frame block, comprises a part of a frame; there must be a plurality of portions or blocks to create a frame. Further, each frame part uses a scalable dimension independent of the image to be framed.

These limitations are expressed differently in each independent claim, as the claims differ in structure and other elements, but each has the above-listed elements and functional relationships. For example, from claim 1:

> "... a frame description in the memory comprising a frame rule and at least one frame asset, the frame rule and a first frame asset usable by the image processor to generate a first portion of a frame usable to form a partial frame around an image, further requiring at least a second portion to be generated to make a complete frame, the image having a size and resolution, and where each frame portion is generated using a scalable dimension independent from the size and resolution of the image...".

In claim 18, the limitations as to a first and a second frame part are expressed by claiming an edge and a corner asset. Each independent claim has similar limitations.

One requirement for making a prima facie case for an obviousness rejection is that each element found in each pending claim must be present in the cited art. Applicant respectfully submits that the cited art does not have each element found in each of the presently pending independent claims.

Each pending independent claim (1, 13, 17-19) has, amongst other elements, the following (expressed as needed in each claim)

       a mobile communication device,
       an image processor on the mobile wireless device,
       a memory readable by the image processor,
       a frame description in the memory further having a frame rule and frame asset usable to generate some portion of a frame by the image processor,

multiple frame portions needed for a complete a frame, and,
    where each frame portion uses a scalable dimension independent from the size
and resolution of the image.

Neither Li nor Jia disclose mobile communication devices. Further, neither discloses a

modification of any part of their disclosure so as to work in mobile communications

devices. Wireless communications requires different and additional hardware and

software as compared to the PC discussed in Jai. Such additional hardware and software,

and the associated ability to use wireless communications, is not mentioned in Jai nor Li.

Neither Jai nor Li disclose the multiple frame portions, or frame blocks, to be generated

to frame an image as claimed. Further, Applicant cannot find disclosure in Jai or Li for

elements of multiple frame portions or multiple frame blocks where each portion or each

block has the scalable property independent of the image to be framed.

For completeness, Applicant notes that Oberg also does not disclose these missing

elements.

Because there are, at the least, elements in each pending independent claim (1, 13, 17-19)

that are not in the cited art, the presently pending independent claims are patentable over

the cited art. Other issues pertaining to the prima facie case for obviousness are not

reached at this time, but may be addressed by Applicant in future communications if

needed. These issues include, but are not limited to, a teaching or suggestion to combine

the cited references.

Each pending dependent claim (2-12, 14-16, 20-36) inherits the claims limitations found in the independent claim from which it eventually depends. As each pending independent claim is patentable over the cited art for at least the reasons discussed above, for the same reasons each pending dependent claim is also in condition for allowance. Each dependent claim has further elements going towards patentability which are not reached at this time, but are reserved for future interactions as needed.

Conclusion

Applicant believes the presently pending claims (1-36) are in condition for allowance for the reasons discussed above, and respectfully requests a notice of allowance thereby. Please feel free to contact Applicant's attorney (below) with any questions or other matters regarding the pending application.

Respectfully submitted,

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